

KEENAN BROWN)	
)	
Plaintiff,)	
)	
v.)	No. 21 cv 1769
)	
MCDONALD’S RESTAURANT OF)	Judge: Matthew F. Kennelly
ILLINOIS, INC.,)	
)	Magistrate Judge: Jeffrey Cole
Defendant.)	

The Defendant, McDONALD’S RESTAURANTS OF ILLINOIS, INC., through its attorneys, BODELL BOVE LLC, for its Answer to Plaintiff’s Complaint, states as follows:

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. objects to the allegations contained in Paragraph 1 of Plaintiff’s Complaint as legal and factual conclusions as opposed to factual averments as required by the Federal Code of Civil Procedure. In order to avoid waiving any rights with respect to pleading as to the allegations contained in Paragraph 1, Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 1 of Plaintiff’s Complaint.

2. As paying customer the Defendant has failed its duty to provide proper care of customer service to its paying customer by not following proper essential steps with plaintiff order.

Plaintiff paid for product and was denied proper care of customer service as well was discriminated against.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies that such a duty exists, denies the breach of any legal duty and denies any remaining allegations contained in Paragraph 2 of Plaintiff's Complaint.

3. The defendant tossed two boiling hot tea water with no lid tops, tray holder, caution liner to Plaintiff. Defendant failed to communicate to plaintiff to be careful and aware of tea beverage. Plaintiff did not deserve unfair treatment.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4. The defendant chosen not to check the temperature of the steaming boiling hot tea beverage in which the level was above 180 to 190 degrees. The defendant decided to throw the hot beverage at plaintiff without reason. Defendant was not apologetic, in which led to plaintiff receiving a serious burned injuries.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 4 of Plaintiff's Complaint.

5. Defendant chosen not to be apologetic about his actions of unlawful conduct nor did management handle things in a professional manner. The condition in which the beverage was served was unreasonably dangerous and also the condition existed at the time the product left the defendants employee hand. Coney v. J.L.G. Indus., 97 Ill.2d 104, 111, 454 N.E.2d 197, 200 (1983).

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. Defendant violated the consumer and discriminated against Plaintiff by not following their own policies when serving customer. Defendant knew of hazard and acted with disregard for the safety of Plaintiff. Plaintiff was served very hot beverage with no lid that caused burns to Plaintiff skin.

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 6 of Plaintiff’s Complaint.

7. The Defendant breached duty causing so much harm and damage to Plaintiff due to Defendant negligence plaintiff was affected from performing his daily life activity, jobs also plaintiff mental health has been affected.

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 7 of Plaintiff’s Complaint.

JURISDICTION AND VENUE

8. Plaintiff: Keenan Brown, Citizen of Georgia

Defendant: McDonald’s Restaurants of Illinois, Inc. The defendant is incorporated under the laws of the state of Illinois, and has its principal state of business in the state of Illinois.

Defendant operates business in Will County, IL.

295 N. Weber Rd., Bolingbrook, IL 60490

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. admits only that on or about October 24, 2019, McDONALD’S RESTAURANTS OF ILLINOIS, INC. operated a restaurant located at 295 N Weber Rd., Bolingbrook, Illinois and that it was an Illinois corporation with its principal place of business in Illinois. This defendant is without information or knowledge as to the citizenship of the plaintiff. Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies any remaining allegations contained in Paragraph 8 of Plaintiff’s Complaint.

9. This court has jurisdiction pursuant 28 U.S § 1332 – Diversity of citizenship. Venue is proper because the business property is located in this District where the complaint is brought. The amount exceeds 75,000.

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 9 of Plaintiff’s Complaint.

NATURE OF THE CASE

1. Defendant breach of policy handbooks.

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. objects to the allegations contained in Paragraph 1, Nature of the Case of Plaintiff’s Complaint as legal and factual conclusions as opposed to factual averments as required by the Federal Code of Civil Procedure. In order to avoid waiving any rights with respect to pleading as to the allegations contained in Paragraph 1, Nature of the Case of Plaintiff’s Complaint, Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 1, Nature of the Case of Plaintiff’s Complaint.

2. Negligence.

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. objects to the allegations contained in Paragraph 2, Nature of the Case of Plaintiff’s Complaint as legal and factual conclusions as opposed to factual averments as required by the Federal Code of Civil Procedure. In order to avoid waiving any rights with respect to pleading as to the allegations contained in Paragraph 2, Nature of the Case of Plaintiff’s Complaint, Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 2, Nature of the Case of Plaintiff’s Complaint.

3. 42 U.S. Code 1981 Equal Rights under the law.

ANSWER: Allegations related to 42 U.S.C. § 1981 were dismissed pursuant to the Court’s Order dated December 8, 2021 and therefore no answer shall be made to Paragraph 3, Nature of the Case of Plaintiff’s Complaint. If an answer is deemed required, Defendant denies allegations contained in Paragraph 3, Nature of the Case of Plaintiff’s Complaint.

4. 28 U.S. § 1332 – Diversity of Citizenship

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. objects to the allegations contained in Paragraph 4, Nature of the Case of Plaintiff’s Complaint as legal and factual conclusions as opposed to factual averments as required by the Federal Code of Civil Procedure. In order to avoid waiving any rights with respect to pleading as to the allegations contained in Paragraph 4, Nature of the Case of Plaintiff’s Complaint, Defendant, McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 4, Nature of the Case of Plaintiff’s Complaint.

KEENAN BROWN STATEMENT

10. Plaintiff: Keenan Brown, Citizen of Fulton, Georgia

Defendant: McDonald's Restaurants of Illinois, Inc.

Defendant operates business in Will County, IL.

295 N. Weber Rd., Bolingbrook, IL 60490

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. admits only that on or about October 24, 2019, McDONALD'S RESTAURANTS OF ILLINOIS, INC. operated a restaurant located at 295 N Weber Rd., Bolingbrook, Illinois. This defendant is without information or knowledge as to the citizenship of the plaintiff. Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the remaining allegations contained in Paragraph 10, Keenan Brown Statement of Plaintiff's Complaint.

11. On the date of October 24th, 2019 around 9:43 Plaintiff went to McDonald Restaurant of Illinois, Inc. located at 295 N Webster Rd, Bolingbrook, IL 60490. I was not greeted, and defendant acted in reckless disregard failed to follow restaurant policy in which led to defendant operating in "reckless" behavior acts.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 11, Keenan Brown Statement of Plaintiff's Complaint.

12. I continue to proceed with ordering two Quarter Pounder deluxe burgers and two hot tea beverages. Defendant negligently intentionally wrongfully served the plaintiff by not providing proper service causing injuries and burns, emotional damage. Defendant has discriminated and humiliated plaintiff. Defendant practiced unlawful, careless, and reckless behavioral acts towards plaintiff.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 12, Keenan Brown Statement of Plaintiff's Complaint.

13. Defendant improper services lead to Breach of McDonald Restaurant Policy when providing unlawful practices and acts also discriminating against plaintiff based on protected status.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 13, Keenan Brown Statement of Plaintiff's Complaint.

14. Katzenbach v. McClung, 379 U.S. 294 (1964). Federal laws like the Civil Rights Act of 1964 apply not only to restaurants that serve interstate travelers but also to restaurants that use food that has traveled in interstate commerce, which must provide fully equal access to African Americans.

ANSWER: Allegations related to 42 U.S.C. § 1981 were dismissed pursuant to the Court's Order dated December 8, 2021 and therefore no answer shall be made to Paragraph 14 of Plaintiff's Complaint. If an answer is deemed required, Defendant denies allegations contained in Paragraph 14, Keenan Brown Statement of Plaintiff's Complaint.

15. The defendant tossed two boiling hot tea water with no lid tops, tray holder, caution liner to Plaintiff. Defendant failed to communicate to plaintiff to be careful and aware of tea beverage.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 15, Keenan Brown Statement of Plaintiff's Complaint.

16. The defendant chosen not to check the temperature of the steaming boiling hot tea beverage in which the level was above 180 to 190 degrees. The defendant decided to throw the hot beverage at plaintiff without reason. Defendant was not apologetic, in which led to plaintiff receiving a serious burned injuries.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC., denies the allegations contained in Paragraph 16, Keenan Brown Statement of Plaintiff's Complaint.

17. Defendants Management Claims Department were Careless & Discriminatory about the conduct that occurred at Defendant restaurant. In fact, they never wanted to accept liability for the unlawful conduct or issue apology letter for unlawful acts for plaintiff burning and leading to injuries. The defendant has discriminated along with refusing to help plaintiff in need. Store managers had failed to accommodate as well reach out to plaintiff to check on the condition of plaintiff burned injuries. Bugg v. Just Wing It, LLC U.S. 1:18-CV-02399 2018.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 17, Keenan Brown Statement of Plaintiff's Complaint.

18. Plaintiff burned marks and injuries humiliation could've been prevented if the defendant provided the following items: Lid tops, Tray holder, Caution liner along with actually handing it to the plaintiff the paying customer and greeting the paying customer for being polite and business. But instead that didn't happen. Plaintiff was discriminated humiliated while other employees laughs about matter Plaintiff also suffered Burned Injuries stress and even pneumonia during the time along trauma flash back of incident.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 18, Keenan Brown Statement of Plaintiff's Complaint.

19. The video surveillance camera photographed shows the reckless behavioral intent of the defendant chosen to neglect and improperly service the plaintiff for being African American male while ordering food services. The plaintiff has filed a police report due to his unlawful unpleasant experience at the McDonald Restaurant at 295 N. Weber Rd., Bolingbrook, IL 60490.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 19, Keenan Brown Statement of Plaintiff's Complaint.

20. Plaintiff is seeking that justice in Federal court be served on his behalf due to damages pain and suffering the defendant has caused in plaintiff life for practicing unlawful reckless behavioral acts that lead to burning the plaintiff.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 20, Keenan Brown Statement of Plaintiff's Complaint.

CONCLUSION

21. Overall, Plaintiff is seeking justice be served due to the defendants unlawful, reckless, and careless behavioral acts in discrimination toward the plaintiff being African American male for improper service. The Defendant breach of duty caused harm and damage to Plaintiff due to Defendant negligence. Defendant shall be held liable for breaching that duty as well as intentionally discriminating against Plaintiff by tossing hot beverage with no lid.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 21, Conclusion of Plaintiff's Complaint.

22. Defendant owed Plaintiff duty of care when serving hot beverages. Defendant failed that duty and by intentionally tossing a hot beverage at Plaintiff, Defendant failed to prevent harm to Plaintiff based on his protected status being an African American Black male. Defendant was negligent and failed to do what any reasonable or rational person would have done when serving a hot beverage to customer.

ANSWER: Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 22, Conclusion of Plaintiff's Complaint.

23. Defendant breached that duty when they intentionally discriminated against plaintiff and was very negligent. By defendant breaching their duty of care plaintiff has experienced injury, emotional distress, mental anguish, embarrassment, humiliation, and was

insulted by the Defendant employees as well. Plaintiff is experiencing pain and suffering from the incident that occurred at McDonalds Restaurant.

ANSWER: Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies the allegations contained in Paragraph 23, Conclusion of Plaintiff’s Complaint.

WHEREFORE, Defendant McDONALD’S RESTAURANTS OF ILLINOIS, INC. denies that the plaintiff, KEENAN BROWN, is entitled to judgement in any amount and asks that the plaintiff’s complaint be dismissed as against this Defendant and that costs be assessed against the plaintiff.

Respectfully submitted,
McDONALD’S RESTAURANTS OF ILLINOIS, INC.

By: 
One of Its Attorneys

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AFFIRMATIVE DEFENSE

Defendant, McDONALD'S RESTAURANTS OF ILLINOIS, INC., through its attorneys, BODELL BOVE LLC, and for its Affirmative Defense, states as follows:

1. That on or about October 24, 2019, the plaintiff, KEENAN BROWN, owed a duty of care for his own safety.

2. That on or about October 24, 2019, the plaintiff, KEENAN BROWN, failed to exercise reasonable care for his own safety and was then and there guilty of one or more of the following negligent acts or omissions:

- a. Was inattentive and unobservant to surrounding conditions;
- b. Failed to observe and avoid conditions that were open and obvious;
- c. Failed to properly handle hot liquids; and,
- d. Was otherwise negligent and inattentive.

3. Subject to and without waiving its earlier denials as to liability, and pleading in the alternative, if the plaintiff was injured to the extent claimed in the plaintiff's Complaint, then said injuries were solely caused by the negligence of the plaintiff, KEENAN BROWN, or the negligence of the plaintiff, KEENAN BROWN, contributed to cause said injuries.

WHEREFORE, the Defendant, McDONALD'S RESTAURANTS OF ILLINOIS, INC., respectfully requests that if it is found liable to the plaintiff, which it has denied and continues to deny, then said liability should be reduced in an amount commensurate with the contributory fault of the plaintiff, KEENAN BROWN, as determined by the trier of fact, and, if the fault of KEENAN BROWN is found to be greater than fifty percent (50%) of the fault attributable in this action, then the plaintiff should be barred from any recovery from this Defendant whatsoever and the Complaint should be dismissed with costs taxed against the plaintiff.

Respectfully submitted,
McDONALD'S RESTAURANTS OF ILLINOIS, INC.

By: Margaret MacNair
One of Its Attorneys

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